GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Transport Department – Allegations of misappropriation of Government Money against Sri M. Chanchal Baba, Motor Vehicles Inspector(Now Retired) – Placed under Suspension and initiated Disciplinary Proceedings – Enquiry conducted – Charges Proved – Punishment imposed – Orders - Issued.

TRANSPORT, ROADS & BUILDINGS (VIG-Tr[1]) DEPARTMENT

G.O.RT.No. 351 Dated.07.07.2015.

READ – the following:-

Ref:- 1.Proceedings R.No.10154/V1/2001, Dated. 04-06-2001 of Transport Commissioner, Andhra Pradesh, Hyderabad.
2. Proceedings R.No.10154/V1/2001, Dated. 29-11-2001 of Transport Commissioner, Andhra Pradesh, Hyderabad.
3.Charge Memo.No.10154/V1/2001, Dated. 11-02-2002 of Transport Commissioner, Andhra Pradesh, Hyderabad.
4. Explanation of Sri M.Chanchal Baba, the then Motor Vehicles Inspector, dated.27.04.2002
5. Proceedings R.No.10154/V1/2001, Dated. 07-04-2003 of the Transport Commissioner, Andhra Pradesh, Hyderabad.
6. From Joint Transport Commissioner & Enquiry Officer, Lr.No.09/JTC(P), Dated 04.03.2006.
7. Govt. Memo No.10012/Vig.III/2/2006- 4 & 5, dated.31.12.2007 & 29.06.2008
8. Letter.No.10154/V1/2001, Dated. 19-09-2008 of Transport Commissioner, Andhra Pradesh, Hyderabad.
9. Govt. Memo No.10012/Vig.III/2/2006-6, dated.29.07.2009
10. Explanation of Sri M.Chanchal Baba, the then Motor Vehicles Inspector(Retd), dated.07.01.2010
11. Govt. Lr. No.10012/Vig-Tr/1/2006-10 & 11, Dated.03.01.2015 and 27.03.2015
12. From the Secretary , Andhra Pradesh Public Service Commission, Andhra Pradesh, Hyderabad Lr.No.144/RT/ 1/2015, dated.05.05.2015.

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ORDER:

In the Proceedings first read above, Sri M. Chanchal Baba, Motor Vehicles Inspector was placed under suspension on the allegation that, while working as Motor Vehicles Inspector at Ravulapalem, East Godavari district, he renewed the fitness certificates of the vehicles which do not belong to his jurisdiction and also misappropriated certain funds to a tune of Rs.1,09,289/-.

2. Sri M. Chanchal Baba, Motor Vehicles Inspector remitted the misappropriated amount. Subsequently, Sri M. Chanchal Baba, Motor Vehicles Inspector, in the proceedings second read above, was reinstated into service.

(PTO)

3. In the reference third read above, the Transport Commissioner, Andhra Pradesh, Hyderabad has initiated disciplinary proceedings against Sri M. Chanchal Baba, Motor Vehicles Inspector (Now retired).

4. Sri M.Chanchal Baba, in the reference fourth read above, submitted his explanation and as his explanation was found to be not satisfactory, in the reference fifth read above; Sri N.V. Subba Rao, the then joint Transport Commissioner, was appointed as Enquiry Officer.

5. The Enquiry Officer in the reference sixth read above, submitted Enquiry report and in his report held that, the charges framed against Sri M.Chanchal Baba, as proved.

6. After careful examination of the Enquiry Report, in the Memos seventh read above, the T.C was directed to recover the misappropriated amount of Rs. 34,699/-(correct figure is Rs.34,894/-) from the DCRG of the Charged Officer i.e, ., Sri M. Chanchal Baba and also requested to take necessary action to release the pensionary benefits including DCRG.

7. In the Letter eighth read above, the Transport Commissioner, Andhra Pradesh has stated that, Sri M.Chanchal Baba, was under suspension from 5.6.2001 to 30.11.2001 (179 days) and the same has to be regularized and that the Government have not specifically issued orders as to whether the charges framed against the Accused Officer, Sri M. Chanchal Baba, MVI have been dropped or otherwise. He has also stated that the money misappropriated is paid back and this does not absolve the Govt. Servant of the crime, that certain charges are held proved by the E.O., that to regularize the suspension period of the individual, specific conclusion of disciplinary proceedings have to be passed by the Govt. He has further stated that since the A.O. retired from service, Govt. is competent authority to regularize the suspension period and requested to communicate the conclusive proceedings of the Disciplinary case.

8. After carefully examining the matter, Government have observed that, the recovery of the misappropriated amount is not a penalty and also recovery of the amount cannot absolve the C.O from the charges proved against him and therefore decided to inflict a punishment of withholding of entire pension under rule 9 of APRPR's 1980 against Sri M. Chanchal Baba, Motor Vehicles Inspector(Retd) and also to treat the suspension period as **not on duty** as the charges framed against him are held as proved.

9. In the Memo ninth read above, Sri M. Chanchal Baba, Motor Vehicle Inspector (Retired) was requested to show cause why the penalty of **"withholding of entire pension**" and to treat the suspension period as not duty should not be imposed on him for irregularities committed by him.

10. In the reference tenth read above, Sri M.Chanchal Baba, Motor Vehicle Inspector (Retired) submitted his explanation, Government after careful examination of the Representation, have taken a provisional decision to impose a penalty of **"withholding of entire pension**" against Sri M. Chanchal Baba, Motor Vehicle Inspector (Retired) under Rule 9 of A.P.Revised Pension Rules 1980.

11. In the references eleventh read above, the matter has been referred to the Andhra Pradesh Public Service Commission for its concurrence on the above provisional decision of the Government.

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12. In the reference twelfth read above, the Secretary, Andhra Pradesh Public Service Commission has felt that the proposed penalty, withholding of entire pension, is disproportionately on higher side and advised to reduce the punishment to 50%, since, it is proposed to be on a permanent basis.

13. The Government after careful consideration of the facts and circumstances of the case, have decided to accept the advise of the Andhra Pradesh Public Service Commission and to impose a penalty of 50% cut in Pension on permanent basis against Sri M. Chanchal Baba, Motor Vehicle Inspector (Retired).

14. Accordingly, Government hereby impose the penalty of 50% cut in Pension on permanent basis against Sri M. Chanchal Baba, Motor Vehicle Inspector (Retired), duly treating the suspension period from 05.06.2001 to 30.11.2001(179) totalling One Hundred and Seventy Nine days , spent as "not on duty" and the pay and allowances payable to the Government Servant for the aforesaid suspension period shall be limited to the Subsistence Allowance entitled /already paid under Fundamental Rule 53 for the entire period during which the Government Servant was not on Duty in terms of the orders issued in G.O.Ms.No.3. Finance(FR.II) Department, dated.04.01.2006 and G.O.Ms.No.30, Finance(FR.II) Department, dated. 15.02.2007.

15. The Transport Commissioner, Andhra Pradesh, Hyderabad shall take further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.SAM BOB
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Individual through Transport Commissioner, Andhra Pradesh, Hyderabad.
The Transport Commissioner, Andhra Pradesh, Hyderabad .

Copy to :
The Accountant General, Andhra Pradesh, Hyderabad.
The Pay & Accounts Officer/ Director of Treasuries, Andhra Pradesh, Hyderabad.
The Secretary, Andhra Pradesh Public Service Commission, Andhra Pradesh, Hyderabad.
The Secretary, Andhra Pradesh Vigilance Commission, Andhra Pradesh, Hyderabad.
SF/SC

//FORWARDED:: BY ORDER//

SECTION OFFICER